

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
-vs-) Case No. CR-23-39-F
)
KRISTY KAY LEBOEUF,)
)
Defendant.)

ORDER

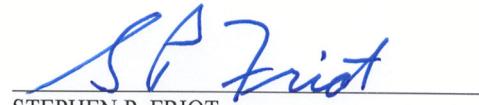
The court is in receipt from defendant of a “Motion for Reconsideration 18 U.S.C. [§] 3742(e) Post Sentencing Rehabilitation Programming.” Doc. no. 76. Upon review, the court concludes a response from the government is not required.

In her motion, defendant requests a reduction of sentence pursuant to 18 U.S.C. § 3742(e) based upon her post-sentencing rehabilitation efforts. According to defendant, she has received “15 certificates” since her incarceration in June 2024. Defendant primarily relies upon Pepper v. United States, 562 U.S. 476 (2011), in support of her motion. However, in Pepper, the Supreme Court held that a district court may consider evidence of a defendant’s post-sentencing rehabilitation “when a defendant’s sentence has been set aside on appeal and [her] case remanded for resentencing[.]” *Id.* at 490-91. In this case, defendant’s sentence has not been set aside by the Tenth Circuit Court of Appeals and remanded to this court for resentencing. Consequently, § 3742(e) and Pepper do not provide authority for the

court to reduce defendant's sentence.¹ As such, defendant is not eligible for a sentence reduction under § 3742(e), and the court finds defendant's motion should be dismissed.

Accordingly, defendant Kristy Kay Leboeuf's "Motion for Reconsideration 18 U.S.C. [§] 3742(e) Post-Sentencing Rehabilitation Programming" (doc. no. 76), is **DISMISSED**.

DATED this 21st day of January, 2025.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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¹ In addition, the other case authority, cited by defendant, does not provide authority to reduce defendant's sentence under § 3742(e).